

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JUNE 13, 2002
8:30 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:49 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, JUNE 6, 2002 AND MINUTES OF THE DEPARTMENTAL BUDGET HEARINGS OF THURSDAY, MAY 30, 2002 AND THURSDAY, JUNE 6, 2002

MOTION: Campbell moved and Stevens seconded approval of the Staff Meeting minutes of June 6, 2002 and minutes of the Departmental Budget Hearings of May 30, 2002 and June 6, 2002. Campbell, Stevens, Workman and Heier voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 BUDGET WORKING SESSION - Dave Kroeker, Budget and Fiscal Officer

Dave Kroeker, Budget and Fiscal Officer, suggested that the Board send a letter to the Lancaster County Rural Fire Districts regarding the 15 cents of the County levy authority that is available to the Lancaster County Rural Fire Districts, Lancaster County Agricultural Society, Railroad Transportation Safety District (RTSD) and the Rural Library (Exhibit A).

Stevens reported that the RTSD will request 2.6 cents, per \$100 of value.

Hudkins arrived at the meeting at 8:57 a.m.

Kroeker referred to *Lancaster County, Allocation of Levy 2002-03, Discussion Purposes, Assume Value Increases by 3.5%* (Exhibit A, Page 5) and said there will not be a significant impact to the RTSD if the rural fire districts receive .94430 cents, per \$100 of value.

Board consensus was to send a letter to the Lancaster County Rural Fire Districts informing them that an allocation in the range of .93786 to .94430 cents is anticipated and requesting submission of budgets in that range, with an explanation if an allocation higher than .93786 cents is requested.

Kroeker also disseminated the following documents (Exhibits B -G):

- * Schedule of City-County Common budget hearings with agencies (July 9, 2002)
- * List of budgets needed for the July 9, 2002 City-County Common budget hearings

Kroeker noted that Juvenile Diversion (Cedars Youth Services) has requested an additional \$30,000 (\$15,000 City/\$15,000 County).

The Board asked that Cedars Youth Services be scheduled on the June 20, 2002 Staff Meeting agenda to explain the need for the increase.

- * *Lancaster County 2002 Expense Budget by Object (Fund 063, Mental Health Fund)*
- * *FY03 Budget, Possible Adjustments to Agency Budgets*
- * *Cost of New & Unfilled Positions*
- * *Expenditures for Travel, Memberships, Books & Subscriptions & Tuition*
- * *Requested Capital Outlay*

MOTION: Campbell moved and Hudkins seconded to send a letter to county departments notifying them that:

- 1) The County Board has instituted an immediate freeze on hiring, equipment and travel.
- 2) The freeze on hiring, equipment and travel will remain in effect until August 31, 2002.
- 3) If a department has extenuating circumstances, it should submit an explanation in writing to Dave Kroeker, Budget and Fiscal Officer, for review by the Board.

Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Board consensus was to postpone the final public hearing on the budget until after the Nebraska Legislature's Special Session.

- 4 A) JOINT SUPERVISION OF PSYCHIATRISTS FOR THE COMMUNITY MENTAL HEALTH CENTER AND BLUE VALLEY MENTAL HEALTH; B) AMENDMENT OF NETWORK PROVIDER AGREEMENT WITH REGION V; AND C) MEMORANDUM OF UNDERSTANDING WITH REGION V AND CORNHUSKER PLACE** - Dean Settle, Community Mental Health Center (CMHC) Director; Kim Etherton, Crisis Center Program Manager; Mike Thew, Chief Deputy County Attorney; Dave Johnson, Deputy County Attorney

Joint Supervision of Psychiatrists for Community Mental Health Center and Blue Valley Mental Health

Dean Settle, Community Mental Health Center (CMHC) Director, reviewed *Proposal for Psychiatric Pool, Community Mental Health Center for Lancaster County and Blue Valley Mental Center* (Exhibit H). He said CMHC's psychiatrists currently perform outside work for Blue Valley Mental Health and said the proposal will provide an organizational structure and will give CMHC greater control of the psychiatrists' schedule. Settle also expressed concern about the psychiatrists' current use of support services for their outside commitments.

Dave Johnson, Deputy County Attorney, said the proposal does not meet the provisions of the Interlocal Cooperation Act as Blue Valley Mental Health is a not-for-profit, rather than a governmental, agency and said the County cannot have a proprietary interest. He said there are also liability concerns related to the travel that would be required.

In response to a question from Heier, Settle said Region V has offered to provide the psychiatric supervision.

Campbell asked whether Region V could contract with Lancaster County for that service.

Johnson said it would probably be allowable under the Interlocal Cooperation Act.

Settle and Johnson agreed to discuss the matter further with Region V.

Amendment of Network Provider Agreement with Region V

Settle said the Nebraska Department of Health and Human Services (HHS) has agreed to eliminate language requiring active treatment for post-commitment individuals from the network provider agreement. Region V still has \$525,000 in funds set aside by HHS, through the tobacco settlement money, to assist with post-commitment costs and the Region V Governing Board passed an enabling motion which will allow Lancaster County to draw down up to \$81,000. Some modification of the contract will be required, with a deadline of June 30, 2002.

MOTION: Hudkins moved approval.

The motion died for the lack of a second.

Johnson expressed concern that the County would be contracting to do something that it has held that it is not legally able to do. (Lancaster County agreed to hold individuals for other counties in Region V that are committed through mental health hearings or classified as Emergency Protective Custody (EPC) at the Crisis Center. However, the State repeatedly refused to accept post-commitments, due to lack of space in the Regional Center, and these individuals were held in the Crisis Center longer than permitted by law. This resulted in several lawsuits which Lancaster County was forced to defend, regardless of where the commitment originated). Johnson said Settle is essentially saying "We're providing this service for you anyway, because we have no choice, pay us for it."

Campbell asked whether it would be possible to include a statement in the contract that Lancaster County believes there is a legal problem, which it intends to pursue, but in the interim period will accept a per diem payment to offset the cost that its taxpayers are incurring.

Mike Thew, Chief Deputy County Attorney, said this is an attempt to legitimize what the County has maintained is illegal. He said if the County accepts the money the State may be less willing to try to resolve the problem.

Settle expressed concern that the funds will go to Region VI if they are not utilized in Region V.

Board consensus was to hold the item one week to provide time for the County Attorney's Office to research Campbell's suggestion further.

Memorandum of Understanding with Region V and Cornhusker Place

Kim Etherton, Crisis Center Program Manager, reviewed the Memorandum of Understanding for Cornhusker Place, Lancaster County on behalf of CMHC and Region V relating to development and implementation of a system to provide an appropriate level of care for individuals subject to emergency protective custody (EPC) in accordance with the Nebraska Mental Health Commitment Act (Exhibit I). She said CMHC may not be able to provide psychological evaluations within the stipulated 36 hours, due to budget restraints. Etherton said there are problems with the memorandum of understanding, but said she believes that it is something that needs to be tried to see if it can have an impact on EPC's placements, particularly in the substance abuse area.

Johnson said there is also an issue regarding transportation that is not addressed in the memorandum of understanding.

Etherton noted that the post-commitment dollars are tied to the memorandum of understanding.

5 EXECUTIVE SESSION (POTENTIAL LITIGATION) - Diane Staab, Deputy County Attorney

MOTION: Stevens moved and Campbell seconded to enter Executive Session at 10:15 a.m. for discussion of potential litigation. Campbell, Stevens and Workman voted aye. Hudkins and Heier were absent from voting. Motion carried.

MOTION: Stevens moved and Heier seconded to exit Executive Session at 10:38 a.m. Hudkins, Heier, Workman, Stevens and Campbell voted aye. Motion carried.

6 REVIEW OF PROCESS AND CONTRACT FOR BOARD OF EQUALIZATION REFEREE SYSTEM - Tom Kubert, Great Plains Appraisal Company

Tom Kubert, Great Plains Appraisal Company, distributed information related to the property valuation protest process (Exhibit J).

The Board scheduled a referee coordinator agreement with Great Plains Appraisal Company on the June 18, 2002 County Board of Commissioners Meeting agenda.

The Board also reviewed the Board of Equalization schedule and requested that dates be set in the following order: July 19th, 23rd, 22nd and 24th. Morning sessions were also requested.

7 COUNTY BOARD OFFICE RECONFIGURATION - Dan Mulligan, Innerspace Studios; Cori Beattie, County Board Administrative Secretary

Dan Mulligan, Innerspace Studios, presented plans for a reconfiguration of the County Board Office (Exhibit K).

Campbell noted that the Public Building Commission has scheduled a worksession on the Master Plan.

Hudkins said he believes the Board should indicate a preferred office location to JoAnne Kissel, Sinclair Hille & Associates Inc., before that worksession. He said the office reconfiguration is needed, regardless, as office relocation would be several years away.

Discussion followed with requests that map storage be included in the plans and surplus panels be utilized in the new workstations.

8 ACTION ITEMS

- A. Appoint Interview Team for Coordinator of Adult Offenders Services Contract

Board consensus was to appoint Bernie Heier, Board of Corrections Chair; Ray Stevens, Board of Corrections Vice Chair; Dennis Keefe, Public Defender; Gary Lacey, County Attorney; Mike Thurber, Corrections Director; Steve Rowoldt, Chief Probation Officer in County Court Probation and Kit Boesch, Human Services Administrator, to the interview team.

9 ADMINISTRATIVE OFFICER REPORT

A. Trabert Hall

MOTION: Campbell moved and Stevens seconded to direct Don Killeen, County Property Manager, to develop a plan to move county offices out of the Old Federal Building, utilizing Trabert Hall and other county owned property. Hudkins, Heier, Workman, Stevens and Campbell voted aye. Motion carried.

B. Appointment of A. Kevin Horne to the Air Pollution Control Advisory Board

The Board scheduled the appointment on the June 18, 2002 County Board of Commissioners Meeting agenda.

C. County Board Meeting Schedule During the Week of July 4, 2002

Board consensus was to not hold a Staff Meeting on July 4, 2002. The Board will hold a Staff Meeting on July 2, 2002 at 9 a.m., if needed.

D. Renewal of Contract with State Probation Regarding Drug Court

Board consensus was to hold this item and to schedule a presentation on the Drug Court on a future agenda.

E. Records and Information Management Department Van

Eagan said Records and Information Management has a van with 192,000 miles and has expressed interest in one of the surplus vans that are scheduled for auction.

MOTION: Hudkins moved and Campbell seconded to authorize Brian Pillard, Records and Information Manager, to work with the Purchasing Department to try to secure one of the surplus vans, at a cost not to exceed \$3,000 and the sale or trade of the department's van. Hudkins, Heier, Workman, Stevens and Campbell voted aye. Motion carried.

F. Update of U.S. Department of Agriculture (USDA) Cooperative Animal Control Program

MOTION: Heier moved and Stevens seconded to not participate in the USDA Cooperative Animal Control Program and to direct Kerry Eagan, Chief Administrative Officer, to notify the constituent that requested animal control assistance of the Board's action. Hudkins, Heier, Workman, Stevens and Campbell voted aye. Motion carried.

G. Use of Visitors Promotion Fund Contingency Dollars for Kiwanis Clubs

Eagan said Americruise has not lined up sponsors for the pancake feed that the Kiwanis Clubs provide for the event's participants. The Kiwanis Clubs charged \$5,000 last year to cover their actual costs and fundraising. He said use of Visitors Promotion Fund contingency funds has been suggested, but said there may be legal issues if the funds are pledged to cover more than actual costs.

Campbell asked why the vendor is petitioning for the funds, rather than Americruise.

Eagan explained that Americruise representatives have been non-responsive, to date.

Workman noted that a meeting is scheduled with Americruise representatives later in the day.

Stevens asked for a breakdown of actual costs. He also suggested that the Kiwanis Clubs consider instituting a minimal charge for the breakfast or asking attendees for donations.

Campbell said the Lincoln/Lancaster County Convention & Visitors Bureau is coordinating the event and suggested that it make the request for funding, on behalf of Americruise.

MOTION: Campbell moved and Heier seconded to authorize the use of Visitors Promotion Fund contingency dollars, not to exceed \$3,500, if there is an expenditure that exceeds the amount budgeted for the Americruise event. Hudkins, Heier, Workman, Stevens and Campbell voted aye. Motion carried.

H. County Board Clerk Typist III

Board consensus was to have the Chair, Chief Administrative Officer and Deputy Chief Administrative Officer interview candidates for the position.

I. Memorandum from Mayor Wesely Regarding Acreage Development Policy Within Lincoln's Jurisdiction

Board consensus was to hold the item and to schedule discussion of the memorandum with Kent Morgan, Assistant Planning Director.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Region V Governing Board - Heier

Heier said Doris Karloff, Region V Executive Committee Chair, informed the Region V Governing Board that eighteen providers were questioned regarding Region V's administration and no significant problems were identified. He said six of the providers have since contacted him and indicated that they were misrepresented. Heier said he advised them to relay their concerns in writing to Karloff and the Region V Governing Board.

B. Parks & Recreation Advisory Committee - Campbell

No report.

C. Joint Budget Committee - Campbell, Stevens

Stevens said the increase that will be requested on the County side will be less than or equal to 3.5%.

D. Railroad Transportation Safety District (RTSD) - Hudkins, Workman and Stevens

Hudkins said the Railroad Transportation Safety District (RTSD) approved the budget request submitted by Roger Figard, City Engineer, with the understanding that a reduction may be necessary to stay within the 15 cents of County levy authority that is available to the Lancaster County Rural Fire Districts, Lancaster County Agricultural Society, Railroad Transportation Safety District (RTSD) and the Rural Library.

E. Parking Committee - Campbell

Campbell said the Parking Committee will not consider any additional changes in parking assignments until new policies are developed and the new parking garage is completed. She also stated that citizen and advisory groups will be asked to meet in the public libraries, rather than the County-City Building.

F. Public Building Commission - Campbell, Hudkins

Hudkins said the Public Building Commission's lease of the Old Federal Building will be terminated on June 30, 2002. He also reported that an underground connector between the County-City Building and the new parking garage was approved.

G. Air Pollution Control Advisory Board - Hudkins

No report.

H. Board of Health - Hudkins

Hudkins said action was taken to declare tongue splitting a medical procedure.

11 ADJOURNMENT

MOTION: Hudkins moved and Stevens seconded to adjourn the meeting at 12:18 p.m. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk